U.S. DEPARTMENT of STATE

Georgia

Advancing Freedom and Democracy Reports - 2008
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Part 1

The constitution of the Georgian republic provides for an executive branch that reports to the president, a unicameral parliament, and an independent judiciary. Following a series of protests throughout the country in late 2007 and excessive use of force during the dispersal of protesters on November 7, 2007, the government instituted a state of emergency, which suspended all broadcast activities except those of public television. The state of emergency was lifted on November 16, 2007. President Saakashvili officially resigned in November 2007, calling for a snap presidential election to be held in January 2008, cutting his term of office short by one year. President Saakashvili was reelected in an election that international observers deemed consistent with most international standards for democratic elections, but significant, urgent challenges remain. Prior to the 2007 political crisis, the government took some significant steps to improve the human rights situation, including judicial reforms and improvements in trafficking in persons. Parliament passed legislation that prohibited communication between judges and parties outside the courtroom and adopted a code of ethics for judges. The government opened the High School of Justice to train judges. The Permanent Interagency Coordination Council approved a mechanism to reintegrate trafficking victims into society, significantly increased the budget to assist victims, and opened the first shelter in Tbilisi for them. However, the government's human rights record worsened in other areas, and serious problems remained. There continued to be reports of torture and mistreatment of detainees, abuse of prisoners, poor conditions in prisons and pretrial detention facilities, law enforcement officers acting with impunity, continued overuse of pretrial detention for less serious offenses, lack of due process in some cases, and government pressure on the judiciary. Respect for freedoms of speech, press, and assembly and political participation worsened during the political crisis. Despite a reduction in widespread corruption and reforms led by the president, corruption remained a concern. De facto authorities in the separatist regions of Abkhazia and South Ossetia remained outside the control of the central government; although ceasefires were in effect in both areas, incidents of violence occurred in both regions.

Part 2

The U.S. government's strategy for promoting human rights and democracy focuses on democratic elections and political processes; improved governance; fundamental freedoms; civil society; the rule of law, including an independent judiciary; human rights; and antitrafficking measures. A strong, stable, democratic country that invests in its people will be an example for the region. U.S. officials, including the secretary of state and members of Congress, encouraged the government to continue efforts to democratize and improve respect for human rights. The United States continues to work through the UN Observer Mission in Georgia, the Organization for Security and Cooperation in Europe (OSCE), other multilateral mechanisms, and directly with the government to find a peaceful solution to the conflicts and promote human rights and democracy in the separatist regions of South Ossetia and Abkhazia. The U.S. government continues to support the expansion of assistance activities in both regions.

Part 3

Creating conditions for democratic elections remains an overarching goal of U.S. democracy promotion, and the January 2008 presidential election benefited both from the results of multiyear assistance programs and U.S. diplomacy designed to respond to the challenge posed by the fall 2007 tensions. The ambassador, together with the other OSCE ambassadors in Tbilisi, pressed the government to take a number of key steps prior to the presidential election, including fully funding and assigning areas of responsibility for the Central Election Commission (CEC), developing training plans including increasing professionalization of precinct level commissions, ensuring participation of ethnic minorities in elections, developing long term voter education, conducting a periodic update of the voters' list as required by law, and making amendments to the Unified Election Code. U.S. assistance helped political parties develop campaign strategies informed by voter research and enabled the CEC to increase the transparency of the election. U.S. assistance also supported two international election observer missions and the development of local NGOs that proved themselves as independent and professional election watchdogs. The United States provided assistance to independent media to foster balanced coverage of the campaign. U.S. officials appeared on television shows and traveled throughout the country to speak about the importance of voting. In November 2007 high-level U.S. officials made extensive use of public diplomacy and meetings with the government and opposition to call for an immediate lifting of the state of emergency and emphasize that the January 2008 election must be conducted in a free and fair environment, which required a free media. In December 2007, after the lifting of the state of emergency, the government lifted the ban on Imedi television. A U.S.-funded program trained regional journalists during the preelection period to provide citizens with unbiased coverage of election issues. As a follow-up to the presidential election, the U.S. government is promoting democratic parliamentary elections scheduled for May 2008 diplomatically and programmatically. U.S. assistance will seek to provide comprehensive training for election commissioners, improve the vote tabulation and reporting process, and further strengthen the accuracy of the voters' list. The U.S. ambassador participates in an OSCE ambassadors' group that works with local officials and NGOs on initiatives to improve the electoral code and prevent the recurrence of problems identified by international observers.

The United States continues to promote the rule of law and the creation of an independent judiciary both diplomatically and programmatically. In 2007 the United States supported a rule of law program that increased public awareness of legal rights and assisted in reform of the legal system, including the important enactment of a ban on ex parte communications and the opening of a school for training of judges. The United States provides technical assistance to prepare the criminal procedure code that codifies human rights protections and implements jury trials on a pilot project basis. In 2007 U.S. assistance funded the travel of a U.S. appellate court judge to the country to conduct workshops on judicial ethics and discuss the importance of standardized curriculums and legal training. In 2008 assistance focuses on implementation of ex parte provisions into the school's training curriculum, strengthening the bar association, continuing legal education, and publishing a law journal. U.S. assistance supports three law clinics run by law students in Tbilisi, Kutaisi, and Batumi and the Center for Protection of Constitutional Rights, which provides legal assistance to victims of domestic violence. In 2007 U.S. officials traveled to the regions to meet representatives from the Antiviolence Coalition to learn how their organization assists victims and understand the challenges in remote regions. U.S. officials marked the 2007 Human Rights Day by inviting NGOs and ministry representatives to a roundtable to discuss domestic violence, how to heighten awareness, and how to improve referral mechanisms for victims.

The United States continues to support the country's successful, ongoing efforts to battle corruption. The U.S. government provides substantial support for revision in commercial, civil, administrative, and criminal codes that have had the effect of clarifying procedures and removing discretion of public officials. In order to reduce torture and abuse of detainees by law enforcement officers, the United States provides expertise and training to the law enforcement community on professional and ethical standards, including respect for human rights. The U.S. government raised concerns privately and publicly about the use of excessive force by law enforcement against protesters in November 2007. With U.S. support, Ministry of Interior lab personnel received training on forensic analysis; an evidence-based approach is expected to reduce forced confessions. In 2007 the U.S. government arranged a roundtable with the Anti-Money Laundering Unit and its government counterparts to discuss specific responsibilities and sponsored a seminar to improve the money laundering unit's investigatory and prosecutorial skills.

Part 4

The United States continues to encourage the government to respect media freedom. A U.S.-funded program works to improve the quality of journalism on conflict, human rights (particularly minority rights), and development issues in eight regions, including two separatist areas. The United States continues to sponsor the Caucasus School of Journalism and Media Management at the Georgian Institute for Public Affairs. In 2007 the United States funded several media development programs, including an International Visitor Leadership Program for regional print journalists and government spokespersons. U.S. small grants supported projects aimed at improving independent journalism. A U.S.-funded working tour taught television journalists from the Autonomous Republic of Adjara about freedom of the press, market

economics, small business development, and international journalism standards. U.S. travel grants also enabled journalists to work on antitrafficking and human rights issues.

The United States continues to promote respect for the country's ethnic and religious minorities. The United States continued to promote dialogue between the government and minority communities and their integration into the social fabric of the country. U.S. officials regularly meet community leaders, civil society groups, and local government leaders in regions with large ethnic minorities, as well as with religious minority groups. To support development of civil society within minority regions, the United States works with NGOs to organize capacity building seminars, social outreach programs, and networking opportunities with domestic and international NGOs. The United States actively encourages the government to include ethnic minorities in the country's political, economic, and social development by assisting in the development and implementation of a national strategy for tolerance and integration, by supporting a minority TV talk show on the Georgian Public Broadcaster, and through small grants to local NGOs working on minority issues.

U.S. officials continue to fight trafficking in persons. U.S. officials meet regularly with counterparts in the prosecutor general's office and other agencies to promote government efforts against trafficking. U.S. officials made opening remarks to an audience of parliamentarians, state ministries, journalists, and domestic and international NGOS prior to the screening of an antitrafficking film that highlighted forced labor practices. U.S. funding supported the creation of training materials that the Ministry of Defense used to inform soldiers about trafficking and their reporting responsibilities prior to reporting to Iraq. U.S. assistance raised public awareness of trafficking issues, using a variety of printed and visual materials with antitrafficking messages. Through a joint U.S.- Georgia effort, a comprehensive victim rehabilitation and reintegration strategy was adopted and a second shelter for victims was opened in Tbilisi in 2007.

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